IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 985 of 2005

Between:

Water Users Association, Rayinigudem, rep by its President,
A. Satyanarayana, S/o. Parvathalu, aged 45 years, Rayinigudem (V),
Chinthapally (M),Nalgonda District.

..... PETITIONER

AND

1 The Executive Engineer (I & CAD), I.B. Division, Nalgonda.
2 The District Collector, Nalgonda District at Nalgonda
3 The District Traasury Officer, Nalgonda District, at Nalgonda

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of mandamus declaring that the inaction of the respondent No. 1 for payment of balance of final bill of the work "Construction of Masnory Weir and strengthening bund of Venkateswarakunta of Rayinigudem Village" as bad, arbitrary, illegal, and unreasonable and consequently direct the respondents to pay the due bill amount of Rs. 30,000/- to the petitioner by releasing the funds.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

O R D E R:

The petitioner states that it has executed certain works entrusted to it by respondent No.1 and the amounts due therefor have not been paid so far. The petitioner seeks a direction to the respondents to sanction and release the said amount.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation.

The question as to whether the petitioner was entrusted with any Government work and if so, the value of the work, the amounts, if any, paid therefor etc., are the matters to be verified and ascertained by the respondent Nos. 1 to 3. This Court cannot issue any specific and positive direction that a particular amount be paid to the petitioner. However, if the petitioner had already executed the work, it is axiomatic that it shall be paid therefor.

The writ petition is accordingly disposed of permitting the petitioner herein to submit a representation to the respondent Nos. 1 to 3 within a period of two weeks from today, and on receipt of such representation, the respondent Nos.1 to 3 shall take appropriate

steps in the matter of payment, for the works said to have been executed by the petitioner within a period of two months therefrom. There shall be no order as to costs.

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(L. NARASIMHA REDDY, J)

Date: 31-01-2005

Note:

Issue CC in three days.

(B/o)

ghn/pan

To

1 The Executive Engineer (I & CAD), I.B. Division, Nalgonda.
2 The District Collector, Nalgonda District at Nalgonda
3 The District Traasury Officer, Nalgonda District, at Nalgonda

4 Two CCs to the Government Pleader for Irrigation and Command Area Development, High Court Buildings, Hyderabad.(O.U.T.)

5 Two CD copies.